

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 22214 of 2004

Between:

- 1 Bandi Subba Reddy S/o Chandra Reddy
R/o Parlapalli Village, Vidavalur Mandal Nellore District
- 2 Bandi Sailaja W/o Subba Reddy
R/o Parlapalli Village, Vidavalur Mandal Nellore District

... PETITIONERS

AND

- 1 The Joint Collector Nellore
- 2 The Revenue Divisional Officer, Kavali Nellore District
- 3 The Mandal Revenue Officer, Vidavalur Nellore District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order Writ or direction more particularly a Writ of Mandamus Under Article 226 of Constitution of India, declaring the action of 1st respondent in not considering the stay petition filed along with the statutory appeal dated 22-11-2004 filed against the order of the 2nd respondent in his proceedings R.Dis. No. 50/2004 dated 28-10-2004 and the exparte order of Eviction in RCC No. 658/2003 dated 11-12-2003 of the 3rd respondent pending the statutory appeal and the action of the 2nd respondent in not furnishing the documents sought for by the petitioner pending the appeal and the further action of the respondents 2 & 3 in seeking to dispossess the petitioners from an extent of acs. 261 cents of dry land comprise in Survey Nos. 520/1 of parlapalli Village, Vidavalur Mandal, Nellore District as illegal, arbitrary,

unjust and consequently suspend the orders of 2nd respondent in his proceedings R.Dis No. 50/2004 dated 28-10-2004 and the order of the 3rd respondent in RCC No. 658/2003 dated 11-12-2003 pending the appeal and direct the respondents to furnish the documents sought for by the petitioner.

Counsel for the Petitioner: MR.P.SRIDHAR REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for the respondents, and both of them agreed for disposal of the writ petition at the stage of admission.

2. It is submitted by the petitioners, that as against the impugned order passed by the Revenue Divisional Officer - second respondent, in Proc. R.Dis.50/2004 dated 28-10-2004, they had filed an appeal before the first respondent – Joint Collector, dated 22-11-2004, and the same is pending. It is further submitted that petitioners also filed an application for issuance of the following documents:

1. Surrender statement in C.C. 2133/ATK/75
2. Surrender statement in C.C. 2134/ATK/75
3. Surrender statement in C.C. 812/ATK/75
4. Report in respect of land taken possession by Revenue authorities with extents and S.Nos.

3. It is alleged that without considering the said appeal and without furnishing the aforementioned documents, respondents are now trying to dispossess the petitioners from the schedule land.

4. If that be so, it is appropriate to dispose of the writ petition directing the first respondent –Joint Collector to dispose of the appeal filed on 22-11-2004 by the petitioners against the impugned order, passed by the second respondent, expeditiously and consider issuance of the said documents sought for by the petitioners, if eligible, within a period of two weeks from the date of receipt of a copy of this order, on payment of required fees as per Rules.

5. It is made clear that till the disposal of the appeal, *status quo* as obtaining today shall be maintained.

6. The writ petition is accordingly disposed of at the stage of admission.

N. V. RAMANA, J

December 2, 2004

Note: *Furnish copy in three days*

(B/o)

MRR/AVS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

- 1 The Joint Collector, Nellore District
- 2 The Revenue Divisional Officer, Kavali Nellore District
- 3 The Mandal Revenue Officer, Vidavalur Nellore District

4 Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)

5 Two C.D. Copies.